

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  EXECUTIVE ORDERS 8 AND 9 REQUIRED REVISIONS TO CHAPTERS 19, 20, 21, 35, AND 36	DOCKET NO. RMU-03-1
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**ORDER ADOPTING AMENDMENTS**

(Issued October 23, 2003)

Pursuant to the authority of Iowa Code §§ 476.1, 476.1A, 476.1B, 476.1C, 476.2, 476.4, 476.6, and 17A.4 (2003), the Utilities Board (Board) is adopting the amendments attached hereto and incorporated herein by reference. This proceeding has been identified as Docket No. RMU-03-1. On February 5, 2003, the Board caused a "Notice of Intended Action" to be published in IAB Vol. XXV, No. 16, (2/5/03) pp. 1069-79, as ARC 2285B. The proposed amendments were prepared in response to Executive Orders 8 and 9 to update, clarify, and revise the specified Board rules based upon the criteria set out in the Executive Orders.

Comments were filed by the Iowa Association of Electric Cooperatives (IAEC), Consumer Advocate Division of the Department of Justice (Consumer Advocate), MidAmerican Energy Company (MidAmerican), and Interstate Power and Light Company (IPL). In its comments, MidAmerican requested that the Board schedule an oral presentation to allow MidAmerican to present additional comments to the Board. The Board issued an "Amended Notice of Intended Action" published IAB

Vol. XXV, No. 20, (4/2/03) p. 1338, as ARC 2387B, scheduling an oral presentation for May 9, 2003.

The Board has reviewed the written comments and the oral comments made at the oral presentation and will adopt the proposed amendments with some revisions based upon those comments. The Board did not receive any comments on its proposed amendments to rules 19.9, 20.6, 20.11, 20.12, 20.16, 21.1, 35.14, 35.15, or 36.7; subrules 19.5(2), 19.5(3), 19.7(4), 19.7(7), 19.10(5), 19.12(4), 19.16(5), 20.3(2), 20.7(8), 20.8(3), 20.10(7), 20.10(8), 20.10(9), 21.2(1), or 21.6(6); paragraphs 19.10(1)"d," 19.13(4)"c," 20.10(2)"c," 21.3(5)"e," or 21.8(3)"e." The Board will adopt each of these proposed amendments. The Board received comments on each of the remaining proposed amendments. A discussion of the comments and any resulting revisions is set out below. The final version of the amendments adopted will be published in the Iowa Administrative Bulletin and incorporated into the Iowa Administrative Code. The final version may have editorial changes made by the Code Editor.

**1. The Board proposed to amend rule 199—19.1(476) as follows:**

**19.1(1)** Authorization of rules. Iowa Code chapter 476 provides that the Iowa utilities board shall establish all needful, just and reasonable rules, not inconsistent with law, to govern the exercise of its powers and duties, the practice and procedure before it, and to govern the form, contents and filing of reports, documents and other papers necessary to carry out the provisions of this law.

~~Chapter~~ Iowa Code chapter 479 provides that the Iowa utilities board shall have full authority and power to promulgate rules, as it deems proper and expedient in the

supervision of the transportation or transmission and underground storage of gas within the state of Iowa.

The application of the rules in this chapter to municipally owned utilities furnishing gas is limited by Iowa Code section 476.1B.

**19.1(2)** Application of rules. The rules shall apply to any gas utility operating within the state of Iowa as defined in Iowa Code chapter 476 and shall supersede ~~all rules~~ any tariff on file with this board which ~~are~~ is in conflict with these rules. These rules are intended to promote safe and adequate service to the public, to provide standards for uniform and reasonable practices by utilities, and to establish a basis for determining the reasonableness of such demands as may be made by the public upon the utilities. ~~If unreasonable hardship to a utility or to a customer results from the application of any rule herein prescribed, application may be made to the board for the modification of the rule or for temporary or permanent exemption from its requirements. A request to waive the application of any rule on a permanent or temporary basis may be made in accordance with rule 199—1.3 (17A,474,476,78GA,HF2206).~~ The adoption of these rules shall in no way preclude the board from altering or amending them, pursuant to statute, or from making such modifications with respect to their application as may be found necessary to meet exceptional conditions. These regulations shall in no way relieve any utility from any of its duties under the laws of this state.

Amend subrule **19.1(3)**, definitions of "delinquent account or delinquency" and "interruption of service," as follows:  
"Delinquent" ~~account~~ or "delinquency" means ~~the customer has not paid~~ an account for which a service bill or service payment agreement amount has not been paid in full on or before the last day for timely payment.

"Interruption of service" means any disturbance of the gas supply whereby ~~the pilot flame on the appliances of at least gas service to 50 customers or more~~ in one segment or in a portion of a distribution system shall have been extinguished cannot be maintained.

**Comments:**

IAEC recommended adding the following language to the end of the last sentence in proposed 19.1(1): “and the application of the rules in this chapter to gas public utilities having fewer than 2,000 customers is limited by Iowa Code section 476.1C.”

IPL suggested certain revisions to this subrule to clarify the intent. IPL suggested revising the first sentence of the first paragraph as follows: “The rules shall apply to any gas utility operating within the state of Iowa ~~as defined~~ subject to chapter 476 and shall supercede ~~all rules~~ any conflicting tariff provisions of any gas utility on file with the board ~~which are in conflict with these rules.~~” IPL suggested these revisions make the language more consistent with 20.1(2).

**Board Analysis:**

The Board has limited jurisdiction over gas utilities with fewer than 2,000 customers under Iowa Code § 476.1C. Since there is currently only one gas utility of this size, the Board has not developed procedures for addressing its limited jurisdiction. Rather than incorporate a reference to the statutory section now, as suggested by IAEC, the Board has decided to wait until it has completed a more comprehensive review of its jurisdiction before it includes rules related to small companies. Even without the specific reference to the Iowa Code § 476.1C, the Board acknowledges that the statute limits the types of regulatory action the Board may take with regard to small gas utilities.

The Board will not adopt the proposed revisions suggested by IPL that the language in 19.1(2) and 20.1(2) should be consistent. The Board finds that amendments to make the two subrules more consistent should wait for a later rule making where the Board will consider more substantive amendments to both subrules. The Board will adopt the amendments as proposed.

**2. The Board proposed to amend rule 199—19.2(476) as follows:**

**199—19.2(476)** Records, reports, and tariffs.

**19.2(1)** No change.

**19.2(2)** Tariffs to be filed with the board. ~~The utility shall file its tariff with the board, and shall maintain such tariff filing in a current status.~~

The schedules of rates and rules of rate-regulated gas utilities ~~and rules of all utilities~~ shall be filed with the board and shall be classified, designated, arranged and submitted so as to conform to the requirements of this chapter. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation. The form, identification, and content of tariffs shall be in accordance with these rules.

Utilities which are not subject to the rate regulation provided for by Iowa Code chapter 476 shall not be required to file schedules of rates, or contracts primarily concerned with a rate schedule, with the board, but nothing contained in these rules shall be deemed to relieve any utility of the requirement of furnishing any of these same schedules or contracts which are needed by the board in the performance of the board's duties upon request to do so by the board.

**19.2(3)** Form and identification. All tariffs shall conform to the following rules:

a. and b. No change.

c. All sheets except the title page shall have, in addition to the above-stated requirements, the following ~~further~~ information:

(1) Name of utility under which shall be set forth the words "Filed with Board." If the utility is not a corporation, and a trade name is used, the name of the individual or partners must precede the trade name.

(2) Issuing official and issue date.

(3) Effective date (to be left blank by rate-regulated utilities).

d. No change.

**19.2(4)** Content of tariffs. A tariff filed with the board shall contain:

a. No change.

b. All rates of utilities subject to rate regulation for service with indication of each rate for the type of gas and the class of customers to which each rate applies. There shall also be shown the prices per unit of service, the number of units per billing period to which the prices apply, the period of billing, the minimum bill, the method of measuring demands and consumptions, including the method of calculating or estimating loads or minimums, delivery pressure, and any special terms or conditions applicable. All rates should be separated into "gas" and "nongas" components, and books and records shall be maintained on this basis. Books and records shall be available to the board for audits upon request. The gas components will be the result of the utility's ARG periodic review of gas procurement practices (rule 19.11(476)) and PGA (rule 19.10(476)) proceeding. The nongas components will be established through rate case proceedings under Iowa Code section 476.3 or 476.6. The period during which the net amount may be paid before the account becomes delinquent shall be specified. In any case where net and gross amounts are billed, the difference between net and gross is a late payment charge and shall be so specified.

Customer charges for all special services relating to providing the basic utility service including, but not limited to, reconnect charge and different categories of service calls shall be specified.

c. A copy of the utility's rules, or terms and conditions, describing the utility's policies and practices in rendering service shall include:

(1) and (2) No change.

(3) General statement indicating the extent to which the utility will provide service in the adjustment of customer appliances at no additional customer charge ~~over the filed commodity rates of rate-regulated utilities or commodity rates charged by non-rate-regulated utilities.~~

(4) to (7) No change.

(8) ~~A copy of each standard and special contract for the purchase, sale or interchange of gas.~~ All tariffs must provide that, notwithstanding any other provision of this tariff or contract with reference thereto, all rates and charges contained in this tariff or contract with reference thereto may be modified at any time by a subsequent filing made pursuant to the provisions of Iowa Code chapter 476.

(9) to (17) No change.

(18) Rate-regulated utilities shall include a list of service areas and the applicable rates in such form as to facilitate ready determination of the rates available in each municipality and in such unincorporated communities as have service ~~at urban rates. If the utility has various rural rates, the areas where the same are available shall be indicated.~~

(19) to (22) No change.

**19.2(5)** Annual, periodic and other reports to be filed with the board.

a. System map verification. A utility shall file annually with the board verification that it has a ~~currently~~ correct set of utility system maps for each operating or distribution area. The maps shall show:

~~(1) Gas production plant.~~

~~(2) Principal storage holder.~~

~~(3)~~ 1) Peak shaving facilities location.

~~(4)~~ 2) Feeder and distribution mains indicating size and pressure.

~~(5)~~ 3) System metering (town border stations and other supply points).

~~(6)~~ 4) Regulator stations in system indicating inlet and outlet pressures.

~~(7)~~ 5) Calorimeter location.

~~(8)~~ 6) State boundary crossing.

~~(9)~~ 7) Franchise area.

~~(10)~~ 8) Names of all communities (post offices) served.

b. to f. No change.

g. Reports to federal agencies. Copies of reports submitted pursuant to 49 CFR Part 191 as amended through ~~April 30, 1999~~ December 31, 2002, "Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports," shall be filed with the board. Utilities operating in stated besides Iowa shall provide to the board data for Iowa only.

h. to k. No change.

This rule is intended to implement Iowa Code section 476.2.



**Comments:**

IAEC suggested that the proposed 19.2(2) should be amended to clarify that “rates and rules” are the utility's tariff and would add the word “rules” to the second paragraph to complement the elimination of the requirement that non-rate-regulated utilities file “rules” with the Board. IAEC also suggested that gas utilities with fewer than 2,000 customers should not be required to file tariffs even though they are rate regulated.

MidAmerican commented that 19.2(4)"c"(8) applied to contracts between MidAmerican and customers and did not address the same contracts with gas suppliers as are addressed by new subrule 19.11(6).

**Board Analysis:**

The intent of the proposed amendments is to remove the requirement that non-rate-regulated gas utilities file tariff, rates, or rules with the Board. Although IAEC is correct that for some utilities the tariffs contain rates and rules, for other utilities, such as municipal utilities, the rates and rules are contained in other types of documents. The Board will accept IAEC's revisions adding the word “rules” to the second paragraph.

Gas utilities with less than 2,000 customers are rate-regulated gas utilities pursuant to the special provisions of Iowa Code § 476.1C and are, therefore, required to give notice of rate increases to customers and their customers may file a petition requesting Board review of the proposed rates. For this reason, the Board considers it appropriate for small gas utilities to file their rules and rates with the

Board for informational purposes, but will not mandate that filing in these rules.

However, if the information is not filed with the Board on a regular basis, it must still be provided to the Board whenever required for the performance of the Board's duties.

MidAmerican may be correct that the contracts addressed in 19.2(4)"c"(8) are only contracts between MidAmerican and its customers. However, it is not clear that the language is as limited as MidAmerican suggests. Deletion of the language in subparagraph (8) and inclusion of the language in new subrule 19.11(6) will still allow the Board to review the contracts.

The Board will adopt the proposed amendments with the one revision adding the word "rules."

**3. The Board proposed to amend rule 199—19.3(476) as follows:**

**199—19.3(476)** General service requirements.

**19.3(1)** No change.

**19.3(2)** ~~Condition of meter. No meter shall be installed or continued in service which is known to be mechanically defective, has an incorrect correction factor or has not been tested, and adjusted, if necessary, in accordance with 19.6(2)"b,""c," and "e."~~ The capacity of the meter and the index mechanism should be consistent with the gas requirements of the customer.

**19.3(3)** Meter reading ~~sheets or cards~~ records. The meter reading ~~sheets, cards or ledger sheets~~ records shall show:

a. to e. No change.

**19.3(4) to 19.3(6)** No change.

**19.3(7)** Meter reading and billing interval. Readings of all meters used for determining charges and billings to customers shall be scheduled at least monthly and for the beginning and termination of service. Bills to larger customers may, for good cause, be rendered weekly or daily for a period not to exceed one month. Intervals other than monthly shall not be applied to smaller customers, or to larger customers after the initial month provided above, without an exemption from the board. ~~A petition for exemption~~ waiver request must include ~~sufficient information to establish good cause for the exemption~~ the information required by 199—1.3 (17A,474,476,78GA,HF2206). If the board denies ~~an exemption~~ a waiver, or if ~~no exemption~~ a waiver is not sought with respect to a large volume customer after the initial month, that customer's bill shall be rendered monthly for the next 12 months, unless prior approval is received from the board for a shorter interval. The group of larger customers to which shorter billing intervals may be applied shall be specified in the utility's tariff sheets, but shall not include residential customers.

An effort shall be made to obtain readings of the meters on corresponding days of each meter-reading period. The utility rules may permit the customer to supply the meter readings by telephone or on a form supplied by the utility. The utility may arrange for customer meter reading forms to be delivered to the utility by United States mail, electronically, or by hand delivery. Unless the utility has a plan to test check meter readings, a utility representative ~~will~~ shall physically read the meter at least once each 12 months and when the utility is notified there is a change of customer.

The utility may arrange for the meter to be read by electronic means. Unless the utility has a plan to test check electronic meter readings, a utility representative shall physically read the meter at least once each 12 months.

**19.3(8)** and **19.3(9)** No change.

**19.3(10)** Extensions to customers.

a. No change.

~~b. Terms and conditions. The utility shall extend service to new customers under the following terms and conditions:~~  
Distribution main extensions.

(1) Plant additions. The utility will provide all gas plant at its cost and expense without requiring an advance for construction from customers or developers except in those unusual circumstances where extensive plant additions are required before the customer can be served, or where the customer will not attach within the agreed-upon attachment period after completion of construction. In such instances, the utility shall require, no more than 30 days prior to commencement of construction, the customer or developer to advance funds which are subject to refund as additional customers are attached. A contract between the utility and the customer, which requires an advance by the customer to make plant additions, shall be available for board inspection. The utility shall allow the customer or developer, at the customer's or developer's option, to provide a contribution in aid of construction instead of an advance for construction, under subparagraphs 19.3(10)"b"(2) and (3) below.

(2) and (3) No change.

~~(4) Contributions in aid of construction for service line extension. The utility shall finance and construct a service line extension without requiring a contribution in aid of construction or any payment by the applicant where the length of the service extension to the riser is up to 50 feet on private property or 100 feet on private property if polyethylene plastic pipe is used.~~

~~Where the length of the service extension exceeds 50 feet on private property or 100 feet if polyethylene plastic pipe is used, the applicant shall be required to provide a contribution in aid of construction for that portion of the service extension on the private property, exclusive of the riser, in excess of 50 feet or in excess of 100 feet in the case of polyethylene plastic pipe within 30 days after completion. The contribution in aid of construction for that portion of the extension shall be computed as follows:~~

$$\frac{(\text{Estimated Cost of Construction}) \times [(\text{Total Length in Excess of 50 Feet}) \text{ or } (\text{Total Length in Excess of 100 Feet})]}{(\text{Total Length of Service Extension})}$$

~~c.~~(4) Refunds. The utility shall refund to the depositor for a period of ten years, from the date of the original advance, a pro-rata share for each service attachment to the distribution main extension. The pro-rata refund shall be computed in the following manner:

~~(1)~~1. If the combined total of three times estimated base revenue for the depositor and each customer who has attached to the distribution main extension exceeds the total estimated construction cost to provide the extension, the entire amount of the advance provided by the depositor shall be refunded to the depositor.

~~(2)~~2. If the combined total of three times estimated base revenue for the depositor and each customer who has attached to the distribution main extension is less than the total estimated construction cost to provide the extension, the amount to be refunded to the depositor shall equal three times estimated base revenue of the customer attaching to the extension.

~~(3)~~3. In no event shall the total amount to be refunded to a depositor exceed the amount of the advance for construction made by the depositor. Any amounts subject to refund shall be paid by the utility without interest. At the expiration of the above-described ten-year period, the customer advance for construction record shall be closed and the remaining balance shall be credited to the respective plant account.

c. Service line extensions. The utility shall finance and construct a service line extension without requiring a contribution in aid of construction or any payment by the applicant where the length of the service extension to the riser is up to 50 feet on private property or 100 feet on private property if polyethylene plastic pipe is used.

Where the length of the service extension exceeds 50 feet on private property or 100 feet if polyethylene plastic pipe is

used, the applicant shall be required to provide a contribution in aid of construction within 30 days after completion, for that portion of the service extension on the private property, exclusive of the riser, in excess of 50 feet or in excess of 100 feet if polyethylene plastic pipe is used. The contribution in aid of construction for that portion of the extension shall be computed as follows:

(Estimated Construction Costs) ×

(Total Length in Excess of 50 Feet) or (Total Length in Excess of 100 Feet)  
(Total Length of Service Extension)

d. and e. No change.

**19.3(11)** No change.

This rule is intended to implement 42 U.S.C.A. § 8372, 10 CFR, 516.30, and Iowa Code Section 764.8.

**Comments on 19.3(7):**

MidAmerican filed written comments and addressed the issue of the amendment to 19.3(7) at the oral presentation. MidAmerican suggested the Board should not require “physical” meter readings once every 12 months for meters that are read electronically. MidAmerican suggested that electronic devices do not wear out and they either maintain their accuracy or they do not transmit at all. At the hearing, MidAmerican stated that it follows a plan for physically checking meters using a statistical sampling and if this plan is acceptable to the Board, the company does not object to the proposed amendment. IPL and IAEC concurred with MidAmerican’s comments.

IPL also suggested certain revisions to the language in this subrule to further clarify the intent and to make it more consistent with 20.3(6).

**Board Analysis:**

The current subrule only requires a physical meter reading if the utility does not have “a plan to test check” the electronic meter readings. The proposed amendment was a clarification to ensure a physical read was made every 12 months if the utility did not have a test check plan. The statistical sampling plan used by MidAmerican appears to comply with the current requirement and, therefore, the proposed amendment and would exempt MidAmerican from being required to obtain an annual physical reading of each meter it reads electronically. The Board finds that no revisions need to be made to the proposed language since MidAmerican's procedures appear to comply with the proposed language, based on the information provided.

The Board finds that the subrule should not be amended to make it consistent with 20.3(6). In a later rule making, the Board will propose more substantive amendments to these subrules to make them more consistent.

**Comments on 19.3(10)"b":**

MidAmerican suggested subparagraph 19.3(10)"b"(4) should be revised to include the following at the beginning of the first sentence: “When the customer has chosen to make an advance for construction rather than a contribution in aid of construction, (t)he utility shall . . .” At the hearing, MidAmerican suggested a change in the heading to 19.3(10) by adding “service line extensions.” MidAmerican stated it welcomed the addition of the word “nonrefundable” before “contribution” in the

proposed language in 19.3(10)"b"(1) as proposed by Consumer Advocate and agreed with Consumer Advocate that a written notice of the two options permitted by tariff or rule should be given to the customer. MidAmerican does not support requiring notice of all possible options.

Consumer Advocate suggested that the word "nonrefundable" be added before "contribution" to clearly inform the customer of the difference between a contribution in aid of construction (CIAC) and an advance. Consumer Advocate raised the question of whether the customer had enough information to make an informed decision between a nonrefundable CIAC payment and a refundable advance, since by making a CIAC payment the customer would not be eligible for refunds if additional customers attached a service connection to the distribution line.

IPL at the hearing explained its practice of informing customers of the two options and the consequences. MidAmerican stated that its practice is very similar.

IAEC suggested the proposed amendment complied with current practice and made offering a CIAC payment a requirement rather than an option as it is currently under paragraph "e." To allow flexibility and still clarify the rule, IAEC suggested the substitution of "may" for "shall."

**Board Analysis:**

MidAmerican's suggestion of adding a phrase to the beginning of 19.3(10)"b"(4) will be adopted because it will add clarity to that subparagraph. The Board agrees with MidAmerican's revision to add "service lines" to the heading of 19.3(10). The Board will not adopt Consumer Advocate's suggestion to require



written notice of the two options since it was not proposed in the Notice of Intended action and may be a substantive revision beyond the scope of this rule making. The Board encourages utilities to provide written notice to customers of the choice between a nonrefundable CIAC payment and a refundable advance for construction. The Board intends to propose the written notice requirement in the next rule making proceeding involving this paragraph.

The Board will adopt the revision that adds the word "nonrefundable" in front of "contribution in aid of construction" in 19.3(10)"b"(1) and will also add the word "refundable" in front of the word "advance."

The Board will adopt the proposed amendment to add the proposed language requiring the utility to offer a customer the option of making a CIAC payment instead of an advance for construction payment. This revision clarifies that this option is available to a customer faced with paying for a distribution line extension. Consumer Advocate's suggestion that the choice be held open for ten years because the customer may choose incorrectly and, therefore, the utility may receive some additional income, seems to exceed reasonable precautions. If the customer is given an explanation of the two options and makes a decision based on the best information available to the customer, then it is reasonable to accept that decision and not hold the issue open for ten years.

The issue of whether the rule allowed a CIAC payment for a distribution line extension was an issue in Docket No. FCU-03-8, Bruce v. MidAmerican. The adopted amendments proposed will specifically allow that option.

The Board will adopt the amendments as proposed with the revision described above.

**4. The Board proposed to amend rule 199—19.6(476) as follows:**

Amend subrule 19.6(5), introductory paragraph, and subrule

19.6(6) as follows:

**19.6(5)** Request tests. Upon request by a customer, a utility shall test the meter servicing that customer, ~~except that such tests~~ A test need not be made more frequently than once in 18 months.

**19.6(6)** Referee tests. Upon written request by a customer or utility, the ~~utilities~~ board will conduct a referee test of a meter. ~~except that such tests~~ A test need not be made more frequently than once in 18 months. The customer request shall be accompanied by a \$30 check or money order made payable to the utility.

Within five days of receipt of the written request and payment, the ~~utilities~~ board shall forward the deposit to the utility and notify the utility of the requirement for a test. The utility shall, within 30 days after notification of the request, schedule the date, time and place of the test with the board and customer. The meter shall not be removed or adjusted before the test, ~~and the~~ The utility shall furnish all testing equipment and facilities for the test. If the tested meter is found to be more than 2 percent fast or 2 percent slow, the deposit will be returned to the party requesting the test and billing adjustments shall be made as required in 19.4(13). The board shall issue its report within 15 days after the test is conducted, with a copy to the customer and the utility.

Adopt **new** subrule 19.6(7) as follows:

**19.6(7)** Condition of meter. No meter that is known to be mechanically defective, has an incorrect correction factor, or has not been tested and adjusted, if necessary, in accordance with 19.6(2)"b," "c," and "e," shall be installed or continued in service. The capacity of the meter and the

index mechanism shall be consistent with the gas requirements of the customer.

**Comments:**

IPL suggested certain revisions to the language in subrule 19.6(6) to clarify that the \$30 is a deposit that will be returned to the customer if the meter is operating too fast or too slow.

IPL suggested that these subrules be made permissive rather than mandatory. IPL stated that the requirement regarding proper meter and index sizing would be difficult to enforce, a result that may have been unintended.

**Board Analysis:**

IPL's suggestion to clarify that the \$30 check is a deposit is reasonable. The last sentence of the first paragraph will be changed as follows: "The customer request shall be accompanied by a \$30 deposit in the form of a check or money order made payable to the utility."

The Board intended to require that the meter size match the volume needs of the customer in each situation. An oversized meter can cause problems with getting an accurate reading of usage.

The Board will adopt the proposed amendments retaining the mandatory requirement, with the revision concerning the \$30 deposit as proposed by IPL.

**5. The Board proposed to amend rule 19.11(476) by adding the following new subrule:**

**19.11(6)** Executive summary. On or before August 1, 2003, each natural gas utility shall file an executive summary

and index of all standard and special contracts in effect for the purchase, sale or interchange of gas. On or before August 1 each year thereafter, each natural gas utility shall file an update of the executive summary and index showing the standard and special contracts in effect on that date for the purchase, sale or interchange of gas. The executive summary shall include the following information:

- a. The contract number;
- b. The start and end date;
- c. The parties to the contract;
- d. The total estimated dollar value of the contract;
- e. A description of the type of service offered (including volumes and price).

**Comments:**

MidAmerican stated that 19.2(4)"c"(8) relates to a utility's tariff and the relationship between the utility and its customers. MidAmerican suggested that this subrule, new 19.11(6), is different since it relates to contracts with suppliers of gas. MidAmerican suggested that 19.11(1) gives the Board the opportunity to require utilities to file the information about the gas contracts and thus proposed 19.11(6) is unnecessary. MidAmerican also suggested that the proposed subrule should define "standard and special contracts" and "interchange of gas."

**Board Analysis:**

The original language in 19.2(4)"c"(8) could have been interpreted to require the utility to include all contracts with the tariffs. Deletion of that language and adoption of subrule 19.11(6) allows for filing of a summary of the contracts in effect at

the time of the filing. The Board has determined that the summary provides enough information to decide whether to require the filing of the full contract. This will alleviate unnecessary filings under 19.11(1). The terms "special and standard contracts" and "interchange of gas" are intended to be broadly applied and do not need definitions. The Board will adopt the amendments as proposed.

**6. The Board proposed to amend rule 199—19.15(476) as follows:**

**199—19.15(476)** Customer contribution fund.

**19.15(1)** Applicability and purpose. This rule applies to each gas public utility, as defined in Iowa Code sections 476.1 and 476.1B. Each utility shall ~~develop~~ maintain a program plan to assist the utility's low-income customers with weatherization and to supplement assistance received under the federal low-income ~~heating~~ home energy assistance program for the payment of winter heating bills. ~~The program shall be implemented on or before March 1, 1989.~~

**19.15(2)** Program plan. ~~On or before February 1, 1988,~~ each Each utility shall have on file with the utilities board a detailed description of its program plan. At a minimum, the plan shall include the following information:

- a. A list of the members of the governing board or committee established to determine the appropriate distribution of the funds collected. The list shall include the organization each member represents;
  - b. A sample of the customer notification with a description of the method and frequency of its distribution;
  - c. A sample of the authorization form provided to customers; and
  - d. The ~~anticipated~~ date of implementation.
- Program plans for new customer contribution funds shall be rejected if not in compliance with this rule. ~~Program plans~~

~~for existing customer contribution funds existing prior to July 1, 1988, and determined by the board not to be in compliance with this rule shall be allowed until July 1, 1989, to comply, during which time such programs shall continue to operate.~~

**19.15(3) to 19.15(b)** No change.

**Comments:**

MidAmerican suggested that the paragraph be revised to include “governing council or committee” as well as “governing board or committee.”

**Board Analysis:**

The Board will adopt the proposed amendments with the addition of the word "council" as suggested by MidAmerican.

**7. The Board proposed to amend rule 199—20.1(476) as follows:**

**20.1(476)** General information.

**20.1(1)** Authorization of rules. Iowa Code chapter 476 provides that the Iowa utilities board shall establish all needful, just and reasonable rules, not inconsistent with law, to govern the exercise of its powers and duties, the practice and procedure before it, and to govern the form, content and filing of reports, documents and other papers necessary to carry out the provisions of this law.

~~Chapter~~ Iowa Code chapter 478 provides that the Iowa utilities board shall have power to make and enforce rules relating to the location, construction, operation and maintenance of certain electrical transmission lines. The application of the rules in this chapter to municipally owned utilities furnishing electricity is limited by Iowa Code section 476.1B.

**20.1(2)** Application of rules. The rules shall apply to any electric utility operating within the state of Iowa subject to Iowa Code chapter 476, and to the construction, operation

and maintenance of electric transmission lines to the extent provided in Iowa Code chapter 478, and shall supersede all conflicting ~~rules~~ tariff provisions of any such electric utility which were in force and effect prior to the adoption of ~~their~~ these superseding rules.

These rules are intended to promote safe and adequate service to the public, to provide standards for uniform and reasonable practices by utilities, and to establish a basis for determining the reasonableness of such demands as may be made by the public upon the utilities.

~~If unreasonable hardship to a utility or to a customer results from the application of any rule herein prescribed, application may be made to the board for the modification of the rule or for temporary or permanent exemption from its requirements. A request to waive the application of any rule on a permanent or temporary basis may be made in accordance with 199—1.3 (17A,474,476,78GA,HF2206).~~  
The adoption of these rules shall in no way preclude the board from altering or amending them; pursuant to statute; or from making such modifications with respect to their application as may be found necessary to meet exceptional conditions.

These rules shall in no way relieve any utility from any of its duties under the laws of this state.

**20.1(3) and 20.1(4)** No change.

**Comments:**

IAEC recommends that proposed subrule 20.1(1) should be amended to include the following: “application of the rules in this chapter to municipally-owned utilities furnishing electricity is limited by Iowa Code section 476.1B” in order to be consistent with proposed 19.1(1). IAEC also recommends that proposed 20.1(1) be amended to include the following after the last sentence: “and the application of the rules in this chapter to electric utilities with fewer than ten thousand customers and

electric cooperative associations is limited by the provisions of Iowa Code section 476.1A:

IPL suggested certain revisions to the language in this subrule to make it consistent with 19.1(2).

**Board Analysis:**

The revisions proposed by IAEC will further clarify this rule and will be adopted, except for the revision to use the word "electrical" in 20.1(1). The Board will not adopt IPL's suggestion to make subrule 20.1(2) consistent with 19.1(2), as discussed previously.

**8. The Board proposed to amend rule 199—20.2(476) as follows:**

Amend the catchwords as follows:

**199—20.2(476)** Records, and reports, and tariffs.

Amend subrule 20.2(2), introductory paragraph and first unnumbered paragraph, as follows:

**20.2(2)** Tariffs to be filed with the board. ~~The utility shall file its tariff with the board, and shall maintain such tariff filing in a current status.~~

The schedules of rates of rate-regulated utilities and rules relating to the provision of electric service of all utilities shall be filed with the board and shall be classified, designated, arranged and submitted so as to conform to the requirements of this chapter. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation. The form, identification and content of tariffs shall be in accordance with these rules.

Utilities which are not subject to the rate regulation provided by Iowa Code chapter 476, shall not be required to file schedules of rates, or contracts primarily concerned with a rate schedule, with the board and shall not be subject to



the provisions related to rate regulations, but nothing contained in these rules shall be deemed to relieve any utility of the requirement of furnishing any of these same schedules or contracts which are needed by the board in the performance of the board's duties upon request to do so by the board.

Amend subrules 20.2(3) to 20.2(5) as follows:

**20.2(3)** Form and identification. All tariffs shall conform to the following rules.

a. and b. No change.

c. All sheets except the title page shall have, in addition to the above-stated requirements, the following ~~further~~ information:

(1) to (3) No change.

d. No change.

**20.2(4)** Content of tariffs.

a. to g. No change.

h. ~~List of towns, cities, and unincorporated communities where urban rates are applicable, and a~~ A list of all communities in which service is furnished ~~at other rates~~.

i. The list of service areas and the rates shall be filed in ~~such a~~ a form as to facilitate ready determination of the rates available in each municipality and in ~~such~~ unincorporated communities ~~as that~~ that have service ~~at urban rates~~. If the utility has various rural rates, the areas where the same are available shall be indicated.

j. to q. No change.

r. Notice ~~by~~ required from a customer ~~required~~ for having service discontinued.

s. to z. No change.

**20.2(5)** Annual, periodic and other reports to be filed with the board.

a. to c. No change.

d. Electric service record. Each utility shall compile a monthly record of electric service showing the production, acquisition and disposition of electric energy, the number of customer terminal voltage investigations made, the number of customer meters tested and such other information as may be required by the board. The monthly "Electric Service" record shall be compiled not later than 30 days after the end of the month covered and such record shall, upon and after compilation, be kept available for inspection by the board or its staff at the utility's principal office within the state of Iowa. A summary of the 12 monthly "Electric Service" records for each calendar year shall be attached to and submitted with the utility's annual report to the board.

e. to i. No change.

j. Residential customer statistics. Each rate-regulated electric utility shall file with the board on or before the fifteenth day of each month one copy of the following residential customer statistics for the preceding month:

(1) to (12) No change.

k. No change.

This rule intended to implement Iowa Code section 476.2.

**Comments:**

IAEC suggested changes to 20.2(2) to make it consistent with 19.2(2). Also, the final paragraph of the subrule was not published in the notice of the rule making.

**Board Analysis:**

The language in 19.2(2) and 20.2(2) will be made consistent. The final paragraph in 20.2(2) was inadvertently omitted from the "Notice of Intended Action" and will be included in the adoption notice to indicate it is still part of this subrule.

**9. The Board proposed to amend subrule 20.3(6) as follows:**

**20.3(6)** Meter reading and billing interval. Readings of all meters used for determining charges and billings to customers shall be scheduled at least monthly and for the beginning and termination of service. Bills to larger customers may, for good cause, be rendered weekly or daily for a period not to exceed one month. Intervals other than monthly shall not be applied to smaller customers, or to larger customers after the initial month provided above, without ~~an exemption~~ a waiver from the board. ~~A petition for exemption~~ waiver request must include sufficient information to ~~establish good cause for the exemption~~ complies with 199-1.3 (17A,474,476,78GA, HF2206). If the board denies ~~an exemption~~ a waiver, or if ~~no exemption~~ a waiver is not sought with respect to a high demand customer after the initial month, that customer's meter shall be read monthly for the next 12 months, ~~unless prior approval is received from the board for a shorter interval~~. The group of larger customers to which shorter billing intervals may be applied shall be specified in the utility's tariff sheets, but shall not include residential customers.

An effort shall be made to obtain readings of the meters on corresponding days of each meter-reading period. When the meter reading date causes a given billing period to deviate by more than 10 percent (counting only business days) from the normal meter-reading period, such bills shall be prorated on a daily basis.

The utility may permit the customer to supply the meter readings by telephone or on a form supplied by the utility. The utility may arrange for customer meter reading forms to be delivered to the utility by United States mail, electronically, or by hand delivery. Unless the utility has a

plan to test check meter readings; a utility representative will shall physically read the meter at least once each 12 months.

In the event that the utility leaves a meter reading form with the customer when access to meters cannot be gained and the form is not returned in time for the billing operation, an estimated bill may be rendered.

If an actual meter reading cannot be obtained, the utility may render an estimated bill without reading the meter or supplying a meter reading form to the customer. Only in unusual cases or when approval is obtained from the customer shall more than three consecutive estimated bills be rendered.

**Comments:**

MidAmerican suggested the proposed amendments are not consistent with 19.3(7). MidAmerican suggested the Board revise the subrule by adding the following language, "The utility may arrange for the meter to be read by electronic means. Unless the utility has a plan to test check electronic meters readings the utility representative shall physically read the meters at least once each 12 months." At the oral presentation MidAmerican requested clarification of whether a sample meter testing protocol meets the requirements of the rule. MidAmerican stated that it does a statistical sample of electric meters each year and it would implement a check read at the time of test to make sure that the remote read device is matching with a physical read on the meter. (Tr. 7-8.)

MidAmerican urged the Board to reconsider requiring manual reads of meters that are read electronically, arguing that electronic reading devices are very accurate and not subject to problems of wearing out over time. Thus, MidAmerican asserts

that reading the meter electronically is an actual read and should be allowed as a substitute for a physical reading of the meter. MidAmerican suggested the Board convene a workshop to allow for further consideration of this matter.

IAEC supports the proposed subrule and recommends that the following be added to make the subrule consistent with 19.3(7): "The utility may arrange for the meter to be read by electronic means." IAEC recommends that an estimated bill be allowed in any instance when the utility leaves a meter reading form with the customer and the form is not returned in time, not just when access to the meters cannot be gained.

**Board Analysis:**

The Board agrees with the revisions suggested by IAEC and MidAmerican. This will make it clearer that a utility is only required to physically read all meters that are read electronically if the utility does not have a plan for using a statistical sample to test check and physically read these meters. As stated in the analysis of 19.3(7), MidAmerican's statistical sample method of checking electronically read meters appears to comply with the requirements of this subrule.

The Board will not adopt IAEC's suggestion to allow an estimated bill in any instance when a utility leaves a meter reading form and the form is not returned on time. This may be considered in a later rule making.

**10. The Board proposed to amend subrule 20.3(13) as follows:**

**20.3(13)** Extensions to customers.

a. No change.

~~b. Terms and conditions. The utility shall extend service to new customers under the following terms and conditions: Distribution or secondary lines other than service lines.~~

(1) Plant additions. The utility will provide all electric plant at its cost and expense without requiring an advance for construction from customers or developers except in those unusual circumstances where extensive plant additions are required before the customer can be served, or where the customer will not attach within the agreed-upon attachment period after completion of construction. In such instances, the utility shall require, no more than 30 days prior to commencement of construction, the customer or developer to advance funds which are subject to refund as additional customers are attached. A contract between the utility and the customer which requires an advance by the customer to make plant additions shall be available for board inspection. The utility shall allow the customer or developer, at the customer's or developer's option, to provide a contribution in aid of construction instead of an advance for construction, under subparagraphs 20.3(13)"b"(2) and (3) below.

(2) and (3) No change.

~~(4) Contribution in aid of construction for service line extensions. The utility shall finance and construct either an overhead or underground service line extension without requiring a contribution in aid of construction or any payment by the applicant where the length of the overhead extension to the first point of attachment is up to 50 feet on private property or where the cost of the underground extension to the meter or service disconnect is less than or equal to the estimated cost of constructing an equivalent overhead service extension of up to 50 feet.~~

~~Where the length of the overhead service extension exceeds 50 feet on private property, the applicant shall be required to provide a contribution in aid of construction for that portion of the service extension on the private property, exclusive of the point of attachment, within 30 days after completion. The contribution in aid of construction for that~~

~~portion of the service extension shall be computed as follows:~~

~~(Estimated Cost of Construction) x~~

$$\left[ \frac{(\text{Total Length in Excess of 50 Feet})}{(\text{Total Length of Service Extension})} \right]$$

~~Where the cost of the underground service extension exceeds the estimated cost of constructing an equivalent overhead service extension of up to 50 feet, the applicant shall be required to provide a contribution in aid of construction within 30 days after completion equal to the difference between the estimated cost of constructing the underground service extension and the estimated cost of constructing an equivalent overhead service extension of up to 50 feet.~~

6.(4) Refunds. The utility shall refund to the depositor for a period of ten years, from the date of the original advance, a pro-rata share for each service attachment to the extension. The pro-rata refund shall be computed in the following manner:

~~(1)~~1. If the combined total of three times estimated base revenue for the depositor and each customer who has attached to the extension exceeds the total estimated construction cost to provide the extension, the entire amount of the advance provided by the depositor shall be refunded to the depositor.

~~(2)~~2. If the combined total of three times estimated base revenue for the depositor and each customer who has attached to the extension is less than the total estimated construction cost to provide the extension, the amount to be refunded to the depositor shall equal three times estimated base revenue of the customer attaching to the extension.

~~(3)~~3. In no event shall the total amount to be refunded to a depositor exceed the amount of the advance for construction made by the depositor. Any amounts subject to refund shall be paid by the utility without interest. At the expiration of the above-described ten-year period, the customer advance for

construction record shall be closed and the remaining balance shall be credited to the respective plant account.

c. Service lines. The utility shall finance and construct either an overhead or underground service line extension without requiring a contribution in aid of construction or any payment by the applicant where the length of the overhead extension to the first point of attachment is up to 50 feet on private property or where the cost of the underground extension to the meter or service disconnect is less than or equal to the estimated cost of constructing an equivalent overhead service extension of up to 50 feet.

Where the length of the overhead service extension exceeds 50 feet on private property, the applicant shall be required to provide a contribution in aid of construction for that portion of the service extension on the private property, exclusive of the point of attachment, within 30 days after completion. The contribution in aid of construction for that portion of the service extension shall be computed as follows:

(Estimated Construction Costs) ×

(Total Length in Excess of 50 Feet)

(Total Length of Service Extension)

Where the cost of the underground service extension exceeds the estimated cost of constructing an equivalent overhead service extension of up to 50 feet, the applicant shall be required to provide a contribution in aid of construction within 30 days after completion equal to the difference between the estimated cost of constructing the underground service extension and the estimated cost of constructing an equivalent overhead service extension of up to 50 feet.

d. and e. No change.

This rule is intended to implement Iowa Code section 476.8.



**Comments:**

MidAmerican, at the presentation, suggested the addition of “service line extensions” to the title of this subrule. MidAmerican also suggested that adding “nonrefundable” before “contribution” would help clarify that contributions do not include a refund. MidAmerican supported the suggestion that there should be written notice given the customer of the two options, although MidAmerican does not believe that it could provide a customer with every possible option.

MidAmerican stated that it gives customers the nonrefundable contribution option under the provisions of 20.3(13)"e," which allow the utility to offer a more favorable option than the advances specifically described.

Consumer Advocate pointed out that the current rule does not specifically provide for nonrefundable contributions but only for refundable advances for distribution line extensions. Consumer Advocate suggested that the addition of a specific option for nonrefundable contributions places a burden on the customer to determine which of the two options is in the customer's best interest. Consumer Advocate suggested that this may not be known for ten years and that nonrefundable contributions place a burden on customers that should be explored before the amendments are adopted. Consumer Advocate suggested that the risk of the customer not making the appropriate choice and the utility perhaps receiving additional income are so uncertain as to make the nonrefundable option questionable and the amendment should not be made without further investigation to determine which option is the more favorable.

Consumer Advocate also addressed the provisions that allow a customer two options for payment for an extension of new electrical lines. The two options are a lower payment that is non-refundable or a higher payment where the customer can receive refunds if additional new customers are attached to the new line. Consumer Advocate stated that this rule is confusing and its application may be inequitable since a customer who chooses the high payment may only get refunds if a new customer attaches between the customer and the existing system, but not if the new customer attaches by a distribution line extension beyond the customer. Consumer Advocate believes this practice is not equitable.

Consumer Advocate then suggested the subrule should refer to the second option in the second sentence of the paragraph and suggested that the Board should require that a written explanation of the two options be given to the customer so the customer can make an informed choice. Finally, Consumer Advocate suggested that the language of the subrule could be made clearer and that more understandable terms should be used instead of "contribution" and "advance."

IPL stated that it offers customers the two options for a distribution line extension with an explanation of the differences. IPL stated that it then discusses with the customer the probability of additional customers taking service from the distribution line extension, after which the customer makes a choice.

IAEC stated that the amendment adding the option of a nonrefundable contribution in aid of construction is a reflection of the current practice of utilities under the general provisions of paragraph "e." The amendment would make the

option mandatory, rather than permissive. IAEC stated that the addition of the option makes it clear that nonrefundable contributions are an option and suggested that the Board might change the mandatory “shall” to the permissive “may” to resolve the problem raised by Consumer Advocate.

Proposed paragraph 20.3(13)"c" requires a contribution in aid of construction for overhead service line extensions of 50 feet or underground service line extensions that exceed the cost of the 50 feet overhead line extension. IAEC recommends that language be added to this paragraph to allow a utility to provide for a greater distance for service line extensions before a contribution in aid of construction is required. IAEC proposes the following language, “Unless the utility’s tariff provides that the utility will finance and construct service line extensions of a greater length . . . .”

### **Board Analysis**

The Board will adopt the same revisions for this subrule as for 19.3(10). The Board will also adopt language to address the suggestion of IAEC. The Board will allow a utility to provide financing and construction of more than 50 feet if it adopts a tariff or rule that applies to all customers or members equally.

**11. The Board proposed to amend subparagraph 20.9(2)"b"(6) as follows:**

(6) Purchases of ~~energy and capacity from qualifying alternate energy production facilities and qualifying small hydro facilities at rates required under rule 199—15.12(476)~~ subrule 15.11(1).

**Comments:**

No comments were filed concerning the proposed amendments.

**Board Analysis:**

This subparagraph was amended by the Board as one of the amendments adopted in Docket No. RMU-03-4, In re: Alternate Energy Production, published in IAB Vol. XXVI, No. 2, (7/23/03) p. 148, as ARC 2621B. The adopted language is as follows:

"(6) Purchases from AEP facilities under rule 199—15.11(476)." The Board will not adopt the amendments in this rule making because the recent amendments accomplish the same goal.

**12. The Board proposed to amend subrule 20.14(4) as follows:**

**20.14(4)** Reporting requirements. Each electric utility electing to offer flexible rates shall file ~~semiannual~~ annual reports with the ~~commission~~ board within 30 days of the end of each ~~six~~ 12 months. Reports shall include the following information:

a. Section 1 of the report ~~will concern~~ concerns discounts initiated in the last ~~six~~ 12 months. For all discounts initiated in the last ~~six~~ 12 months, the report shall include:

- (1) The identity of the new customers (by account number, if necessary);
- (2) The value of the discount offered;
- (3) The cost-benefit analysis results;
- (4) The end-use cost of alternate fuels or energy supplies available to the customer, if relevant;

(5) The energy and demand components by month of the amount of electricity sold to the customer in the preceding ~~six~~ 12 months.

b. Section 2 of the report relates to overall program evaluation. Amount of electricity refers to both energy and demand components when the customer is billed for both elements. For all discounts currently being offered, the report shall include:

(1) The identity of each customer (by account number, if necessary);

(2) The amount of electricity sold in the last ~~six~~ 12 months to each customer at discounted rates, by month;

(3) The amount of electricity sold to each customer in the same ~~six~~ 12 months of the preceding year, by month;

(4) The dollar value of the discount in the last ~~six~~ 12 months to each customer, by month; and

(5) The dollar value ~~of~~ of sales to each customer for each of the previous 12 months.

c. Section 3 of the report concerns discounts denied or discounts terminated. For all customers specifically evaluated and denied or having a discount terminated in the last ~~six~~ 12 months, the report shall include:

(1) Customer identification (by account number, if necessary);

(2) The amount of electricity sold in the last ~~six~~ 12 months to each customer, by month;

(3) The amount of electricity sold to each customer in the same ~~six~~ 12 months of the preceding year, by month; and

(4) The dollar value of sales to each customer for each of the past 12 months.

d. No change.

**Comments:**

IAEC suggested subrules (3) and (4) apply to only rate-regulated utilities and the subrules should be revised to indicate this limitation.

**Board Analysis:**

The Board will include of the term "rate-regulated" before the word "utility" in this subrule. The Board will adopt the proposed amendments with this one revision.

**13. Amend rule 199—20.15(476) as follows:**

**199—20.15(476)** Customer contribution fund.

**20.15(1)** Applicability and purpose. This rule applies to each electric public utility, as defined in Iowa Code sections 476.1, 476.1A, and 476.1B. Each utility shall ~~develop~~ maintain a program plan to assist the utility's low-income customers with weatherization and to supplement assistance received under the federal low-income ~~heating~~ home energy assistance program for the payment of winter heating bills. ~~The program shall be implemented on or before March 1, 1989.~~

**20.15(2)** Program plan. ~~On or before February 1, 1989,~~ ~~each~~ Each utility shall have on file with the ~~utilities~~ board a detailed description of its ~~proposed~~ current program plan. At a minimum, the plan shall include the following information:

- a. A list of the members of the governing board or committee established to determine the appropriate distribution of the funds collected. The list shall include the organization each member represents;
- b. A sample of the customer notification with a description of the method and frequency of its distribution;
- c. A sample of the authorization form provided to customers;
- d. The ~~anticipated~~ date of implementation.

Program plans for new customer contribution funds shall be rejected if not in compliance with this rule. ~~Program plans for existing customer contribution funds existing prior to July 1, 1988, and determined by the board not to be in compliance with this rule shall be allowed until July 1, 1989, to comply, during which time such programs shall continue to operate.~~

**20.15(3) to 20.15(6)** No change.

**Comments:**

The comments concerning these proposed amendments are the same as those for subrule 19.15(2).

**Board Analysis:**

The Board will adopt the same revisions to this subrule as it adopted for subrule 19.15(2).

**14. The Board proposed to amend rule 199—20.17(476) as follows:**

**199—20.17(476)** Ratemaking treatment of emission allowances.

**20.17(1) to 20.17(12)** No change.

**20.17(13)** Prudence of allowance transactions. The prudence of allowance transactions shall be determined by the board in the ~~annual~~ periodic electric energy supply and cost review. The prudency review of allowance transactions and accompanying compliance plans shall be based on information available at the time the options or plans were developed. Costs recovered from ratepayers through the energy adjustment that are deemed imprudent by the board shall be refunded with interest to ratepayers through the energy adjustment as specified in rule 20.9(476).

**Comments:**

IAEC suggested revisions to 20.18(8) in its comments concerning this subrule.

**Board Analysis:**

The revisions to subrule 20.18(8) may be beyond the scope of this rule making since no amendments were proposed to that subrule and an interested person, therefore, may not have had adequate notice that subrule 20.18(8) could be affected. The Board will adopt the amendments as proposed for subrule 20.17(13).

**15. The Board proposed to adopt new rule 199—36.8(476) as follows:**

**199—36.8(476) Exterior flood lighting.**

**36.8(1)** Newly installed lighting. All newly installed public utility-owned exterior flood lighting shall be high-pressure sodium lighting or lighting with equivalent or better energy efficiency.

**36.8(2)** In-service lighting replacement schedule. In-service lighting shall be replaced with high-pressure sodium lighting or lighting with equivalent or better energy efficiency when worn out due to ballast or fixture failure for any other reason, including such things as vandalism or storm damage. Each utility shall file with the board as part of its annual report a report stating progress to date in converting to high-pressure sodium lighting or lighting with equivalent or higher energy efficiency.

**36.8(3)** Efficiency standards. The standard for lighting efficiency shall be expressed in “lumens per watt.” A schedule of lumens per watt, correlated to bulb size, shall be used to reflect the inherent increase in efficiency as bulb sizes increase. The table of values for lighting efficacy extracted from the Standard Handbook for Electrical Engineers, Donald G. Fink and H. Wayne Beaty, Eds., Twelfth Edition, Table 26-14, shall be the standard for high-pressure sodium street and security lighting, within a 10 percent range below the stated values.



**Comments:**

IAEC suggested that it should be clarified which annual report is referred to in this subrule, the annual reliability report from chapter 20 or the annual report from chapter 23.

**Board Analysis:**

The Board will adopt IAEC's suggested revision. The annual report referred to is the annual report required in chapter 23.

**IT IS THEREFORE ORDERED:**

1. A rule making identified as Docket No. RMU-03-1 is adopted.
2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin an "Adopted and Filed" notice in the form attached hereto and incorporated by reference in this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 23<sup>rd</sup> day of October, 2003.

## UTILITIES DIVISION [199]

### Adopted and Filed

Pursuant to Iowa Code sections 476.1, 476.1A, 476.1B, 476.1C, 476.2, 476.4, 476.6, and 17A.4, on October 23, 2003, the Utilities Board (Board) issued an order in Docket No. RMU-03-1, In re: Executive Orders No. 8 and 9 Required Revisions to Chapters 19, 20, 21, 35, and 36, "Order Adopting Amendments." The rule making resulted from the Board's review of its rules in response to Executive Orders Numbers 8 and 9 issued by Governor Vilsack on September 14, 1999. The Board's order provides detailed analysis of the amendments and the public comment received; it is available on the Board's Web site at [www.state.ia.us/iub](http://www.state.ia.us/iub) or on paper from the Board's Records Center at 350 Maple Street, Des Moines, Iowa 50319.

These amendments are intended to implement Iowa Code sections 476.1, 476.1A, 476.1B, 476.1C, 476.2, 476.6, and 17A.4. The amendments will be effective on December 17, 2003.

The following amendments are adopted.

Item 1. Amend rule 199—19.1(476) as follows:

Amend subrules 19.1(1) and 19.1(2) as follows:

**19.1(1)** Authorization of rules. Iowa Code chapter 476 provides that the Iowa utilities board shall establish all needful, just and reasonable rules, not inconsistent with law, to govern the exercise of its powers and duties, the practice and procedure before it, and to govern the form, contents and filing of reports, documents and other papers necessary to carry out the provisions of this law.

~~Chapter~~ Iowa Code chapter 479 provides that the Iowa utilities board shall have full authority and power to promulgate rules, as it deems proper and expedient in the supervision of the transportation or transmission and underground storage of gas within the state of Iowa.

The application of the rules in this chapter to municipally owned utilities furnishing gas is limited by Iowa Code section 476.1B.

**19.1(2)** Application of rules. The rules shall apply to any gas utility operating within the state of Iowa as defined in Iowa Code chapter 476 and shall supersede ~~all rules~~ any tariff on file with this board which ~~are~~ is in conflict with these rules. These rules are intended to promote safe and adequate service to the public, to provide standards for uniform and reasonable practices by utilities, and to establish a basis for determining the reasonableness of such demands as may be made by the public upon the utilities. ~~If unreasonable hardship to a utility or to a customer results from the application of any rule herein prescribed, application may be made to the board for the modification of the rule or for temporary or permanent exemption from its requirements. A request to waive the application of any rule on a permanent or temporary basis may be made in accordance with rule 199—1.3 (17A,474,476,78GA,HF2206).~~ The adoption of these rules shall in no way preclude the board from altering or amending them, pursuant to statute, or from making such modifications with respect to their application as may be found necessary to meet exceptional conditions. These regulations shall in no way relieve any utility from any of its duties under the laws of this state.

Amend subrule 19.1(3), definitions of "delinquent account or delinquency" and "interruption of service," as follows:

"Delinquent" ~~account~~ or "delinquency" means ~~the customer has not paid an account~~ for which a service bill or service payment agreement ~~amount~~ has not been paid in full on or before the last day for timely payment.

"Interruption of service" means any disturbance of the gas supply whereby ~~the pilot flame on the appliances of at least~~ gas service to 50 customers or more in one segment or in a portion of a distribution system ~~shall have been extinguished~~ cannot be maintained.

Item 2. Amend rule 199—19.2(476) as follows:

**199—19.2(476)** Records, reports, and tariffs.

**19.2(1)** No change.

**19.2(2)** Tariffs to be filed with the board. ~~The utility shall file its tariff with the board, and shall maintain such tariff filing in a current status.~~

The schedules of rates and rules of rate-regulated gas utilities ~~and rules of all utilities~~ shall be filed with the board and shall be classified, designated, arranged and submitted so as to conform to the requirements of this chapter. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation. The form, identification and content of tariffs shall be in accordance with these rules.

Utilities which are not subject to the rate regulation provided for by Iowa Code chapter 476 shall not be required to file schedules of rates, rules, or contracts primarily concerned with a rate schedule, with the board, but nothing contained in these rules shall be deemed to relieve any utility of the requirement of furnishing any of these same schedules or contracts which are needed by the board in the performance of the board's duties upon request to do so by the board.

**19.2(3)** Form and identification. All tariffs shall conform to the following rules:

a. and b. No change.

c. All sheets except the title page shall have, in addition to the above-stated requirements, the following ~~further~~ information:

(1) Name of utility under which shall be set forth the words "Filed with Board." If the utility is not a corporation, and a trade name is used, the name of the individual or partners must precede the trade name.

(2) Issuing official and issue date.

(3) Effective date (to be left blank by rate-regulated utilities).

d. No change.

**19.2(4)** Content of tariffs. A tariff filed with the board shall contain:

a. No change.

b. All rates of utilities subject to rate regulation for service with indication of each rate for the type of gas and the class of customers to which each rate applies. There shall also be shown the prices per unit of service, the number of units per billing period to which the prices apply, the period of billing, the minimum bill, the method of measuring demands and consumptions, including the method of calculating or estimating loads or minimums, delivery pressure, and any special terms or conditions applicable. All rates should be separated into "gas" and "nongas" components, and books and records shall be maintained on this basis. Books and records shall be available to the board for audits upon request. The gas components will be the result of the utility's ~~ARG~~ periodic review of gas procurement practices (rule 19.11(476)) and PGA (rule 19.10(476)) proceeding. The nongas components will be established through

rate case proceedings under Iowa Code section 476.3 or 476.6. The period during which the net amount may be paid before the account becomes delinquent shall be specified. In any case where net and gross amounts are billed, the difference between net and gross is a late payment charge and shall be so specified.

Customer charges for all special services relating to providing the basic utility service including, but not limited to, reconnect charge and different categories of service calls shall be specified.

c. A copy of the utility's rules, or terms and conditions, describing the utility's policies and practices in rendering service shall include:

(1) and (2) No change.

(3) General statement indicating the extent to which the utility will provide service in the adjustment of customer appliances at no additional customer charge ~~over the filed commodity rates of rate-regulated utilities or commodity rates charged by non-rate-regulated utilities.~~

(4) to (7) No change.

(8) ~~A copy of each standard and special contract for the purchase, sale or interchange of gas.~~ All tariffs must provide that, notwithstanding any other provision of this tariff or contract with reference thereto, all rates and charges contained in this tariff or contract with reference thereto may be modified at any time by a subsequent filing made pursuant to the provisions of Iowa Code chapter 476.

(9) to (17) No change.

(18) Rate-regulated utilities shall include a list of service areas and the applicable rates in such form as to facilitate ready determination of the rates available in each

municipality and in such unincorporated communities as have service at urban rates. ~~If the utility has various rural rates, the areas where the same are available shall be indicated.~~

(19) to (22) No change.

**19.2(5)** Annual, periodic and other reports to be filed with the board.

a. System map verification. A utility shall file annually with the board verification that it has a ~~currently~~ correct set of utility system maps for each operating or distribution area. The maps shall show:

~~(1) Gas production plant.~~

~~(2) Principal storage holder.~~

(31) Peak shaving facilities location.

(42) Feeder and distribution mains indicating size and pressure.

(53) System metering (town border stations and other supply points).

(64) Regulator stations in system indicating inlet and outlet pressures.

(75) Calorimeter location.

(86) State boundary crossing.

(97) Franchise area.

(108) Names of all communities (post offices) served.

b. to f. No change.

g. Reports to federal agencies. Copies of reports submitted pursuant to 49 CFR Part 191 as amended through ~~April 30, 1999~~ December 31, 2002, "Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-

Related Condition Reports,” shall be filed with the board. Utilities operating in states besides Iowa shall provide to the board data for Iowa only.

h. to k. No change.

This rule is intended to implement Iowa Code section 476.2.

Item 3. Amend rule 199—19.3(476) as follows:

**199—19.3(476)** General service requirements.

**19.3(1)** No change.

**19.3(2)** Condition of meter. ~~No meter shall be installed or continued in service which is known to be mechanically defective, has an incorrect correction factor or has not been tested, and adjusted, if necessary, in accordance with 19.6(2)"b,""c," and "e."~~ The capacity of the meter and the index mechanism should be consistent with the gas requirements of the customer. See 199 IAC 19.6(7).

**19.3(3)** Meter reading ~~sheets or cards~~ records. The meter reading sheets, cards or ~~ledger sheets~~ records shall show:

a. to e. No change.

**19.3(4) to 19.3(6)** No change.

**19.3(7)** Meter reading and billing interval. Readings of all meters used for determining charges and billings to customers shall be scheduled at least monthly and for the beginning and termination of service. Bills to larger customers may, for good cause, be rendered weekly or daily for a period not to exceed one month. Intervals other than monthly shall not be applied to smaller customers, or to larger customers after the initial month provided above, without an exemption from the board. A ~~petition for exemption~~ waiver request must include sufficient information to establish good cause



~~for the exemption~~ the information required by 199—1.3 (17A,474,476,78GA,HF2206). If the board denies ~~an exemption~~ a waiver, or if ~~no exemption~~ a waiver is not sought with respect to a large volume customer after the initial month, that customer's bill shall be rendered monthly for the next 12 months, unless prior approval is received from the board for a shorter interval. The group of larger customers to which shorter billing intervals may be applied shall be specified in the utility's tariff sheets, but shall not include residential customers.

An effort shall be made to obtain readings of the meters on corresponding days of each meter-reading period. The utility rules may permit the customer to supply the meter readings by telephone or on a form supplied by the utility. The utility may arrange for customer meter reading forms to be delivered to the utility by United States mail, electronically, or by hand delivery. Unless the utility has a plan to test check meter readings, a utility representative ~~will~~ shall physically read the meter at least once each 12 months and when the utility is notified there is a change of customer.

The utility may arrange for the meter to be read by electronic means. Unless the utility has a plan to test check electronic meter readings, a utility representative shall physically read the meter at least once each 12 months.

**19.3(8) and 19.3(9)** No change.

**19.3(10)** Extensions and service line extensions to customers.

a. No change.

~~b. Terms and conditions. The utility shall extend service to new customers under the following terms and conditions:~~ Distribution main extensions.

(1) Plant additions. The utility will provide all gas plant at its cost and expense without requiring an advance for construction from customers or developers except in those unusual circumstances where extensive plant additions are required before the customer can be served, or where the customer will not attach within the agreed-upon attachment period after completion of construction. In such instances, the utility shall require, no more than 30 days prior to commencement of construction, the customer or developer to advance funds which are subject to refund as additional customers are attached. A contract between the utility and the customer, which requires an advance by the customer to make plant additions, shall be available for board inspection. The utility shall allow the customer or developer, at the customer's or developer's option, to provide a nonrefundable contribution in aid of construction instead of a refundable advance for construction, under subparagraphs 19.3(10)"b"(2) and (3) below.

(2) and (3) No change.

~~(4) Contributions in aid of construction for service line extension. The utility shall finance and construct a service line extension without requiring a contribution in aid of construction or any payment by the applicant where the length of the service extension to the riser is up to 50 feet on private property or 100 feet on private property if polyethylene plastic pipe is used.~~

~~Where the length of the service extension exceeds 50 feet on private property or 100 feet if polyethylene plastic pipe is used, the applicant shall be required to provide a contribution in aid of construction for that portion of the service extension on the private property, exclusive of the riser, in excess of 50 feet or in excess of 100 feet in the case~~

~~of polyethylene plastic pipe within 30 days after completion. The contribution in aid of construction for that portion of the extension shall be computed as follows:~~

$$\begin{aligned} & \text{(Estimated Cost of Construction)} \times \\ & \left[ \frac{\text{(Total Length in Excess of 50 Feet) or (Total Length in Excess of 100 Feet)}}{\text{(Total Length of Service Extension)}} \right] \end{aligned}$$

~~6.~~(4) Refunds. When the customer has chosen to make an advance for construction rather than a contribution in aid of construction, The the utility shall refund to the depositor for a period of ten years, from the date of the original advance, a pro-rata share for each service attachment to the distribution main extension. The pro-rata refund shall be computed in the following manner:

~~(1)~~1. If the combined total of three times estimated base revenue for the depositor and each customer who has attached to the distribution main extension exceeds the total estimated construction cost to provide the extension, the entire amount of the advance provided by the depositor shall be refunded to the depositor.

~~(2)~~2. If the combined total of three times estimated base revenue for the depositor and each customer who has attached to the distribution main extension is less than the total estimated construction cost to provide the extension, the amount to be refunded to the depositor shall equal three times estimated base revenue of the customer attaching to the extension.

~~(3)~~ 3. In no event shall the total amount to be refunded to a depositor exceed the amount of the advance for construction made by the depositor. Any amounts subject to refund shall be paid by the utility without interest. At the expiration of the above-

described ten-year period, the customer advance for construction record shall be closed and the remaining balance shall be credited to the respective plant account.

c. Service line extensions. The utility shall finance and construct a service line extension without requiring a contribution in aid of construction or any payment by the applicant where the length of the service extension to the riser is up to 50 feet on private property or 100 feet on private property if polyethylene plastic pipe is used.

Where the length of the service extension exceeds 50 feet on private property or 100 feet if polyethylene plastic pipe is used, the applicant shall be required to provide a contribution in aid of construction within 30 days after completion, for that portion of the service extension on the private property, exclusive of the riser, in excess of 50 feet or in excess of 100 feet if polyethylene plastic pipe is used. The contribution in aid of construction for that portion of the extension shall be computed as follows:

(Estimated Construction Costs) ×

(Total Length in Excess of 50 Feet) or (Total Length in Excess of 100 Feet)  
(Total Length of Service Extension)

d. and e. No change.

**19.3(11)** No change.

This rule is intended to implement 42 U.S.C.A. § 8372, 10 CFR, 516.30, and Iowa Code Section 764.8.

Item 4. Amend subrule 199—19.5(2) as follows:

**19.5(2)** Standards incorporated by reference.

a. The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) 49 CFR Part 191, “Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports,” as amended through ~~March 13, 2002~~ February 1, 2003.

(2) 49 CFR Part 192, “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” as amended through ~~March 13, 2002~~ February 1, 2003.

(3) 49 CFR Part 193, “Liquefied Natural Gas Facilities: Federal Safety Standards,” as amended through ~~March 13, 2002~~ February 1, 2003.

(4) 49 CFR Part 199, “Drug and Alcohol Testing,” as amended through ~~March 13, 2002~~ February 1, 2003.

(5) ASME B31.8 1999, “Gas Transmission and Distribution Piping Systems.”

(6) ANSI/NFPA No. 59-2001, “Standards for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants.”

b. No change.

Item 5. Amend subrule 19.5(3) as follows:

**19.5(3)** Adequacy of gas supply. The natural gas ~~supply~~ regularly available from ~~pipeline~~ supply sources supplemented by production or storage capacity must be sufficiently large to meet all reasonable demands for firm gas service.

Item 6. Amend rule 199—19.6(476) as follows:

Amend subrule 19.6(5), introductory paragraph, and subrule 19.6(6) as follows:

**19.6(5)** Request tests. Upon request by a customer, a utility shall test the meter servicing that customer, ~~except that such tests~~ A test need not be made more frequently than once in 18 months.

**19.6(6)** Referee tests. Upon written request by a customer or utility, the ~~utilities~~ board will conduct a referee test of a meter. ~~except that such tests~~ A test need not be made more frequently than once in 18 months. The customer request shall be accompanied by a \$30 deposit in the form of a check or money order made payable to the utility.

Within five days of receipt of the written request and payment, the ~~utilities~~ board shall forward the deposit to the utility and notify the utility of the requirement for a test. The utility shall, within 30 days after notification of the request, schedule the date, time and place of the test with the board and customer. The meter shall not be removed or adjusted before the test. ~~and the~~ The utility shall furnish all testing equipment and facilities for the test. If the tested meter is found to be more than 2 percent fast or 2 percent slow, the deposit will be returned to the party requesting the test and billing adjustments shall be made as required in 19.4(13). The board shall issue its report within 15 days after the test is conducted, with a copy to the customer and the utility.

Adopt new subrule 19.6(7) as follows:

**19.6(7)** Condition of meter. No meter that is known to be mechanically defective, has an incorrect correction factor, or has not been tested and adjusted, if necessary, in accordance with 19.6(2)"b," "c," and "e," shall be installed or continued in service. The capacity of the meter and the index mechanism shall be consistent with the gas requirements of the customer.

Item 7. Amend subrule 19.7(4) as follows:

**19.7(4)** Standards for pressure measurements.

a. No change.

b. Working standards. Each utility must have or have access to water manometers, ~~mercury manometers~~, laboratory quality indicating pressure gauges, and field-type dead weight pressure gauges as necessary for the proper testing of the indicating and recording pressure gauges used in determining the pressure on the utility's system. Working standards must be checked periodically by comparison with a secondary standard.

Item 8. Amend subrule 19.7(7) as follows:

**19.7(7)** Interruptions of service.

a. No change.

b. Planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers, ~~and~~ Interruptions shall be preceded by adequate notice to those who will be affected.

Item 9. Rescind and reserve rule **199—19.9(476)**.

Item 10. Amend paragraph **19.10(1)"d"** as follows:

d. ~~The calculation of the rate factors Rc, Rd, Rn and Rz, to be in effect September 1, shall be exclusive of past take-or-pay charges, which may be recovered pursuant to subrule 19.10(5).~~

The purchased gas adjustments shall be adjusted prospectively to reflect the final decision issued by the board in ~~an annual~~ a periodic review proceeding.

Item 11. Rescind and reserve subrule **19.10(5)**.

Item 12. Amend rule 19.11(476) by adding the following new subrule:

**19.11(6)** Executive summary. On or before August 1, 2003, each natural gas utility shall file an executive summary and index of all standard and special contracts in effect

for the purchase, sale or interchange of gas. On or before August 1 each year thereafter, each natural gas utility shall file an update of the executive summary and index showing the standard and special contracts in effect on that date for the purchase, sale or interchange of gas. The executive summary shall include the following information:

- a. The contract number;
- b. The start and end date;
- c. The parties to the contract;
- d. The total estimated dollar value of the contract;
- e. A description of the type of service offered (including volumes and price).

Item 13. Amend subrule 19.12(4) as follows:

**19.12(4)** Reporting requirements. Each natural gas utility electing to offer flexible rates shall file ~~semiannual~~ annual reports with the board within 30 days of the end of each ~~six~~ 12 months. Reports shall include the following information:

a. Section 1 of the report ~~will concern~~ concerns discounts initiated in the last ~~six~~ 12 months. For all discounts initiated in the last ~~six~~ 12 months, the report shall include:

- (1) The identity of the new customers (by account number, if necessary);
- (2) The value of the discount offered;
- (3) The cost-benefit analysis results;
- (4) The cost of alternate fuels available to the customer, if relevant;
- (5) The volume of gas sold to or transported for the customer in the preceding ~~six~~ 12 months; and



(6) A copy of all new or revised flexible rate contracts executed between the utility and its customers.

b. Section 2 of the report relates to overall program evaluation. For all discounts currently being offered, the report shall include:

(1) The identity of each customer (by account number, if necessary);

(2) The total volume of gas sold or transported in the last ~~six~~ 12 months to each customer at discounted rates, by month;

(3) The volume of gas sold or transported to each customer in the same ~~six~~ 12 months of the preceding year, by month;

(4) The dollar value of the discount in the last ~~six~~ 12 months to each customer, by month;

(5) The dollar value of volumes sold or transported to each customer for each of the previous 12 months; and

(6) If customer charges are discounted, the dollar value of the discount shall be separately reported.

c. Section 3 of the report concerns discounts denied or discounts terminated. For all customers specifically evaluated and denied or having a discount terminated in the last ~~six~~ 12 months, the report shall include:

(1) Customer identification (by account number, if necessary);

(2) The volume of gas sold or transported in the last ~~six~~ 12 months to each customer, by month;

(3) The volume of gas sold or transported to each customer in the same ~~six~~ 12 months of the preceding year, by month; and

(4) The dollar value of volumes sold or transported to each customer for each of the past 12 months.

d. No report is required if the utility had no customers receiving a discount during the relevant period and had no customers which were evaluated for the discount and rejected during the relevant period.

Item 14. Amend paragraph **19.13(4)"c"** as follows:

c. The utility ~~shall~~ may require a reconnection charge when an end-user receiving transportation service without system supply reserve service requests to return to the system supply. The end-user shall return to the system and receive service under the appropriate classification as determined by the utility.

Item 15. Amend rule 199—19.15(476) as follows:

**199—19.15(476)** Customer contribution fund.

**19.15(1)** Applicability and purpose. This rule applies to each gas public utility, as defined in Iowa Code sections 476.1 and 476.1B. Each utility shall ~~develop~~ maintain a program plan to assist the utility's low-income customers with weatherization and to supplement assistance received under the federal low-income ~~heating~~ home energy assistance program for the payment of winter heating bills. ~~The program shall be implemented on or before March 1, 1989.~~

**19.15(2)** Program plan. ~~On or before February 1, 1988, each~~ Each utility shall have on file with the ~~utilities~~ board a detailed description of its program plan. At a minimum, the plan shall include the following information:

- a. A list of the members of the governing board, council, or committee established to determine the appropriate distribution of the funds collected. The list shall include the organization each member represents;
- b. A sample of the customer notification with a description of the method and frequency of its distribution;
- c. A sample of the authorization form provided to customers; and
- d. The ~~anticipated~~ date of implementation.

Program plans for new customer contribution funds shall be rejected if not in compliance with this rule. ~~Program plans for existing customer contribution funds existing prior to July 1, 1988, and determined by the board not to be in compliance with this rule shall be allowed until July 1, 1989, to comply, during which time such programs shall continue to operate.~~

**19.15(3) to 19.15(b)** No change.

Item 16. Amend subrule 19.16(5) as follows:

**19.16(5)** Rebuttable presumption. All gas available to meet demand in excess of an amount needed to meet the base period demand plus the reserve is presumed to be unjust and unreasonable unless a factual showing to the contrary is made during the ~~annual~~ periodic review of gas proceeding. All gas available to meet demand less than an amount of base period demand plus the reserve is presumed to be just and reasonable unless a factual showing to the contrary can be made during the ~~annual~~ periodic review of gas proceeding.

Item 17. Amend rule 199—20.1(476) as follows:

**199—20.1(476)** General information.

**20.1(1)** Authorization of rules. Iowa Code chapter 476 provides that the Iowa utilities board shall establish all needful, just and reasonable rules, not inconsistent with law, to govern the exercise of its powers and duties, the practice and procedure before it, and to govern the form, content and filing of reports, documents and other papers necessary to carry out the provisions of this law.

~~Chapter~~ Iowa Code chapter 478 provides that the Iowa utilities board shall have power to make and enforce rules relating to the location, construction, operation and maintenance of certain electrical transmission lines.

The application of the rules in this chapter to municipally owned utilities furnishing electricity is limited by Iowa Code section 476.1B and the application of the rules in this chapter to electric utilities with fewer than ten thousand customers and electric cooperative associations is limited by the provisions of Iowa Code section 476.1A.

**20.1(2)** Application of rules. The rules shall apply to any electric utility operating within the state of Iowa subject to Iowa Code chapter 476, and to the construction, operation and maintenance of electric transmission lines to the extent provided in Iowa Code chapter 478, and shall supersede all ~~conflicting rules~~ tariffs of any such electric utility ~~which were in force and effect prior to the adoption of their superseding rules on file with the board which are in conflict with these rules.~~

These rules are intended to promote safe and adequate service to the public, to provide standards for uniform and reasonable practices by utilities, and to establish a

basis for determining the reasonableness of such demands as may be made by the public upon the utilities.

~~If unreasonable hardship to a utility or to a customer results from the application of any rule herein prescribed, application may be made to the board for the modification of the rule or for temporary or permanent exemption from its requirements. A request to waive the application of any rule on a permanent or temporary basis may be made in accordance with 199—1.3 (17A,474,476,78GA, HF2206).~~

The adoption of these rules shall in no way preclude the board from altering or amending them, pursuant to statute, or from making such modifications with respect to their application as may be found necessary to meet exceptional conditions.

These rules shall in no way relieve any utility from any of its duties under the laws of this state.

**20.1(3) and 20.1(4)** No change.

Item 18. Amend rule 199—20.2(476) as follows:

Amend the catchwords as follows:

**199—20.2(476)** Records, and reports, and tariffs.

Amend subrule 20.2(2), introductory paragraph and first unnumbered paragraph, as follows:

**20.2(2)** Tariffs to be filed with the board. ~~The utility shall file its tariff with the board, and shall maintain such tariff filing in a current status.~~

The schedules of rates and rules of rate-regulated electric utilities ~~and rules of all utilities~~ shall be filed with the board and shall be classified, designated, arranged and submitted so as to conform to the requirements of this chapter. Provisions of the

schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation. The form, identification and content of tariffs shall be in accordance with these rules.

Utilities which are not subject to the rate regulation provided for by Iowa Code chapter 476, shall not be required to file schedules of rates, rules, or contracts primarily concerned with a rate schedule, with the board and shall not be subject to the provisions related to rate regulations, but nothing contained in these rules shall be deemed to relieve any utility of the requirement of furnishing any of these same schedules or contracts which are needed by the board in the performance of the board's duties upon request to do so by the board.

Amend subrules 20.2(3) to 20.2(5) as follows:

**20.2(3)** Form and identification. All tariffs shall conform to the following rules.

a. and b. No change.

c. All sheets except the title page shall have, in addition to the above-stated requirements, the following ~~further~~ information:

(1) to (3) No change.

d. No change.

**20.2(4)** Content of tariffs.

a. to g. No change.

h. ~~List of towns, cities, and unincorporated communities where urban rates are applicable, and a~~ A list of all communities in which service is furnished ~~at other rates~~.

i. The list of service areas and the rates shall be filed in ~~such a~~ a form ~~as~~ to facilitate ready determination of the rates available in each municipality and in ~~such~~

unincorporated communities ~~as that~~ have service ~~at urban rates~~. If the utility has various rural rates, the areas where the same are available shall be indicated.

j. to q. No change.

r. Notice ~~by~~ required from a customer ~~required~~ for having service discontinued.

s. to z. No change.

**20.2(5)** Annual, periodic and other reports to be filed with the board.

a. to c. No change.

d. Electric service record. Each utility shall compile a monthly record of electric service showing the production, acquisition and disposition of electric energy, the number of customer terminal voltage investigations made, the number of customer meters tested and such other information as may be required by the board. The monthly "Electric Service" record shall be compiled not later than 30 days after the end of the month covered and such record shall, upon and after compilation, be kept available for inspection by the board or its staff at the utility's principal office within the state of Iowa. A summary of the 12 monthly "Electric Service" records for each calendar year shall be attached to and submitted with the utility's annual report to the board.

e. to i. No change.

j. Residential customer statistics. Each rate-regulated electric utility shall file with the board on or before the fifteenth day of each month one copy of the following residential customer statistics for the preceding month:

(1) to (12) No change.

k. No change.

Item 19. Rescind and reserve subrule **20.3(2)**.

Item 20. Amend subrule 20.3(6) as follows:

**20.3(6)** Meter reading and billing interval. Readings of all meters used for determining charges and billings to customers shall be scheduled at least monthly and for the beginning and termination of service. Bills to larger customers may, for good cause, be rendered weekly or daily for a period not to exceed one month. Intervals other than monthly shall not be applied to smaller customers, or to larger customers after the initial month provided above, without ~~an exemption~~ a waiver from the board. A ~~petition for exemption~~ waiver request must include sufficient information to ~~establish good cause for the exemption~~ comply with 199-1.3 (17A,474,476,78GA,HF2206). If the board denies ~~an exemption~~ a waiver, or if ~~no exemption~~ a waiver is not sought with respect to a high demand customer after the initial month, that customer's meter shall be read monthly for the next 12 months, ~~unless prior approval is received from the board for a shorter interval~~. The group of larger customers to which shorter billing intervals may be applied shall be specified in the utility's tariff sheets, but shall not include residential customers.

An effort shall be made to obtain readings of the meters on corresponding days of each meter-reading period. When the meter reading date causes a given billing period to deviate by more than 10 percent (counting only business days) from the normal meter reading period, such bills shall be prorated on a daily basis.

The utility may permit the customer to supply the meter readings by telephone or on a form supplied by the utility. The utility may arrange for customer meter reading forms to be delivered to the utility by United States mail, electronically, or by hand delivery.



The utility may arrange for the meter to be read by electronic means. Unless the utility has a plan to test check meter readings, a utility representative ~~will~~ shall physically read the meter at least once each 12 months.

In the event that the utility leaves a meter reading form with the customer when access to meters cannot be gained and the form is not returned in time for the billing operation, an estimated bill may be rendered.

If an actual meter reading cannot be obtained, the utility may render an estimated bill without reading the meter or supplying a meter reading form to the customer. Only in unusual cases or when approval is obtained from the customer shall more than three consecutive estimated bills be rendered.

Item 21. Amend subrule 20.3(13) as follows:

**20.3(13)** Extensions and service line extensions to customers.

a. No change.

b. ~~Terms and conditions. The utility shall extend service to new customers under the following terms and conditions:~~ Distribution or secondary lines other than service lines.

(1) Plant additions. The utility will provide all electric plant at its cost and expense without requiring an advance for construction from customers or developers except in those unusual circumstances where extensive plant additions are required before the customer can be served, or where the customer will not attach within the agreed-upon attachment period after completion of construction. In such instances, the utility shall require, no more than 30 days prior to commencement of construction, the customer or developer to advance funds which are subject to refund as additional customers are

attached. A contract between the utility and the customer which requires an advance by the customer to make plant additions shall be available for board inspection. The utility shall allow the customer or developer, at the customer's or developer's option, to provide a nonrefundable contribution in aid of construction instead of a refundable advance for construction, under subparagraphs 20.3(13)"b"(2) and (3) below.

(2) and (3) No change.

~~(4) Contribution in aid of construction for service line extensions. The utility shall finance and construct either an overhead or underground service line extension without requiring a contribution in aid of construction or any payment by the applicant where the length of the overhead extension to the first point of attachment is up to 50 feet on private property or where the cost of the underground extension to the meter or service disconnect is less than or equal to the estimated cost of constructing an equivalent overhead service extension of up to 50 feet.~~

~~Where the length of the overhead service extension exceeds 50 feet on private property, the applicant shall be required to provide a contribution in aid of construction for that portion of the service extension on the private property, exclusive of the point of attachment, within 30 days after completion. The contribution in aid of construction for that portion of the service extension shall be computed as follows:~~

~~(Estimated Cost of Construction) ×~~

$$\left[ \frac{(\text{Total Length in Excess of 50 Feet})}{(\text{Total Length of Service Extension})} \right]$$

~~Where the cost of the underground service extension exceeds the estimated cost of constructing an equivalent overhead service extension of up to 50 feet, the applicant~~

~~shall be required to provide a contribution in aid of construction within 30 days after completion equal to the difference between the estimated cost of constructing the underground service extension and the estimated cost of constructing an equivalent overhead service extension of up to 50 feet.~~

e.(4) Refunds. When the customer has chosen to make an advance for construction rather than a contribution in aid of construction, ~~The~~ the utility shall refund to the depositor for a period of ten years; from the date of the original advance; a pro-rata share for each service attachment to the extension. The pro-rata refund shall be computed in the following manner:

~~(1)~~1. If the combined total of three times estimated base revenue for the depositor and each customer who has attached to the extension exceeds the total estimated construction cost to provide the extension, the entire amount of the advance provided by the depositor shall be refunded to the depositor.

~~(2)~~2. If the combined total of three times estimated base revenue for the depositor and each customer who has attached to the extension is less than the total estimated construction cost to provide the extension, the amount to be refunded to the depositor shall equal three times estimated base revenue of the customer attaching to the extension.

~~(3)~~3. In no event shall the total amount to be refunded to a depositor exceed the amount of the advance for construction made by the depositor. Any amounts subject to refund shall be paid by the utility without interest. At the expiration of the above-described ten-year period, the customer advance for construction record shall be closed and the remaining balance shall be credited to the respective plant account.

c. Service lines extensions. The utility shall finance and construct either an overhead or underground service line extension without requiring a contribution in aid of construction or any payment by the applicant where the length of the overhead extension to the first point of attachment is up to 50 feet on private property or where the cost of the underground extension to the meter or service disconnect is less than or equal to the estimated cost of constructing an equivalent overhead service extension of up to 50 feet.

Where the length of the overhead service extension exceeds 50 feet on private property, the applicant shall be required to provide a contribution in aid of construction for that portion of the service extension on the private property, exclusive of the point of attachment, within 30 days after completion. The contribution in aid of construction for that portion of the service extension shall be computed as follows:

$$\frac{(\text{Estimated Construction Costs}) \times (\text{Total Length in Excess of 50 Feet})}{(\text{Total Length of Service Extension})}$$

Where the cost of the underground service extension exceeds the estimated cost of constructing an equivalent overhead service extension of up to 50 feet, the applicant shall be required to provide a contribution in aid of construction within 30 days after completion equal to the difference between the estimated cost of constructing the underground service extension and the estimated cost of constructing an equivalent overhead service extension of up to 50 feet.

A utility may adopt a tariff or rule that allows the utility to finance and construct a service line extension of more than 50 feet if the tariff or rule applies equally to all customers or members.

d. and e. No change.

This rule is intended to implement Iowa Code section 476.8.

Item 22. Amend rule 199—20.6(476) as follows:

Amend subrule 20.6(5), introductory paragraph, as follows:

**20.6(5)** Request tests. Upon request by a customer, a utility shall test the meter servicing that customer. ~~except that such tests~~ A test need not be made more frequently than once in 18 months.

Amend subrule 20.6(6) as follows:

**20.6(6)** Referee tests. Upon written request by a customer or utility, the ~~utilities~~ board will conduct a referee test of a meter. ~~except that such tests~~ A test need not be made more frequently than once in 18 months. The customer request shall be accompanied by a \$30 deposit shall be made in the form of a check or money order made payable to the utility.

Within five days of receipt of the written request and payment, the ~~utilities~~ board shall forward the deposit to the utility and notify the utility of the requirement for a test. The utility shall, within 30 days after notification of the request, schedule the date, time and place of the test with the board and customer. The meter shall not be removed or adjusted before the test. ~~and the~~ The utility shall furnish all testing equipment and facilities for the test. If the tested meter is found to be more than 2 percent fast or 2 percent slow, the deposit will be returned to the party requesting the test and billing

adjustments shall be made as required in 20.4(14). The board shall issue its report within 15 days after the test is conducted, with a copy to the customer and the utility.

Adopt new subrule 20.6(7) as follows:

**20.6(7)** Condition of meter. No meter which is known to be mechanically or electrically defective, or to have incorrect constants, or which has not been tested and adjusted if necessary in accordance with these rules shall be installed or continued in service. The capacity of the meter and the index mechanism shall be consistent with the electric requirements of the customer.

Item 23. Amend subrule 20.7(8) as follows:

**20.7(8)** Equipment for voltage measurements.

a. Secondary standard indicating voltmeter. Each utility shall have available at least one indicating voltmeter, ~~with an accuracy class of 0.25 pursuant to the acceptable standard listed at 20.5(2)"e."~~ This instrument shall be maintained with error no greater than 0.25 percent of full scale.

b. Working standard indicating voltmeters. Each utility shall have at least two indicating voltmeters ~~of 1.0 accuracy class pursuant to the acceptable standard listed at 20.5(2)"e."~~ These instruments shall be maintained so as to have as-left errors of no greater than 1 percent of full scale.

c. Recording voltmeters. Each utility must have readily available at least two portable recording voltmeters with a rated accuracy of 1 percent of full scale. ~~pursuant to acceptable standards listed at 20.5(2)"f."~~

Item 24. Amend subrule 20.8(3) as follows:

**20.8(3)** Reportable accidents. Each utility shall maintain a summary of all reportable accidents, as defined in 199—25.5(476,478), arising from its operations.

Item 25. Amend paragraph **20.10(2)"c"** as follows:

c. Generating capacity estimates or allocations among and within classes shall recognize that utility systems are designed to serve both peak and off-peak demand, and shall attribute costs based upon both peak period demand and the contribution of off-peak period demand in determining generation mix. Generating capacity estimates and allocations among and within classes shall be based on load data for each class as described in ~~20.13(3)"c"(5)~~ 199—subrule 35.9(2).

Item 26. Rescind and reserve subrules **20.10(7)**, **20.10(8)**, and **20.10(9)**.

Item 27. Amend rule 199—20.11(476) as follows:

**20.11(476)** Customer notification of peaks in electric energy demand. Each electric utility shall inform its customers of the significance of reductions in consumption of electricity during hours of peak demand.

**20.11(1)** Annual notice. Each electric utility shall provide its customers, on an annual basis, with a written notice explaining how growth in demand affects a utility's investment costs and why reduction of customer usage during periods of peak demand may help delay or reduce the amount of future rate increases. ~~On or before April 1 of each year, the utility shall either request board approval of its proposed annual notice or file a letter with the board stating that a previously approved annual notice will be used. This letter shall include the date of board approval of the annual notice. An approved~~  
The notice shall be delivered to its customers between May 1 and June 15 of each year if peak demand is likely to occur during the months of June through September. ~~A copy~~

~~of the notice, together with an affidavit showing when and how the notice was delivered, shall be filed with the board on or before June 30 of each year. If peak demand usually occurs during the months of October through February, the utility on or before July 1 of each year, shall either request board approval of its proposed annual notice or file a letter with the board stating that a previously approved annual notice will be used. This letter shall include the date of board approval of the annual notice. An approved the notice shall be delivered to its customers between August 1 and September 15, of each year. A copy of the notice, together with an affidavit showing when and how the notice was delivered, shall be filed with the board on or before September 30 of each year.~~

**20.11(2)** Notification plan. ~~On or before April 15, 1983, each~~ Each investor-owned utility shall have on file with the board a plan to notify its customers of an approaching peak demand on the day when peak demand is likely to occur.

a. and b. No change.

**20.11(3)** Implementation of notification plan. ~~Upon approval of a peak notification plan by the board, the utility shall immediately prepare for implementation of the plan.~~ The utility shall implement the approved plan on each day of the year when peak demand is likely to occur, as prescribed by 20.11(2)"b."

**20.11(4)** and **20.11(5)** No change.

Item 28. Rescind and reserve rule **199—20.12(476)**.

Item 29. Amend subrule 20.14(4) as follows:

**20.14(4)** Reporting requirements. Each rate-regulated electric utility electing to offer flexible rates shall file ~~semiannual~~ annual reports with the ~~commission~~ board within 30 days of the end of each ~~six~~ 12 months. Reports shall include the following information:



a. Section 1 of the report ~~will concern~~ concerns discounts initiated in the last ~~six~~ 12 months. For all discounts initiated in the last ~~six~~ 12 months, the report shall include:

- (1) The identity of the new customers (by account number, if necessary);
- (2) The value of the discount offered;
- (3) The cost-benefit analysis results;
- (4) The end-use cost of alternate fuels or energy supplies available to the customer, if relevant;
- (5) The energy and demand components by month of the amount of electricity sold to the customer in the preceding ~~six~~ 12 months.

b. Section 2 of the report relates to overall program evaluation. Amount of electricity refers to both energy and demand components when the customer is billed for both elements. For all discounts currently being offered, the report shall include:

- (1) The identity of each customer (by account number, if necessary);
- (2) The amount of electricity sold in the last ~~six~~ 12 months to each customer at discounted rates, by month;
- (3) The amount of electricity sold to each customer in the same ~~six~~ 12 months of the preceding year, by month;
- (4) The dollar value of the discount in the last ~~six~~ 12 months to each customer, by month; and
- (5) The dollar value ~~of~~ of sales to each customer for each of the previous 12 months.

c. Section 3 of the report concerns discounts denied or discounts terminated. For all customers specifically evaluated and denied or having a discount terminated in the last ~~six~~ 12 months, the report shall include:

(1) Customer identification (by account number, if necessary);

(2) The amount of electricity sold in the last ~~six~~ 12 months to each customer, by month;

(3) The amount of electricity sold to each customer in the same ~~six~~ 12 months of the preceding year, by month; and

(4) The dollar value of sales to each customer for each of the past 12 months.

d. No change.

Item 30. Amend rule 199—20.15(476) as follows:

**199—20.15(476)** Customer contribution fund.

**20.15(1)** Applicability and purpose. This rule applies to each electric public utility, as defined in Iowa Code sections 476.1, 476.1A, and 476.1B. Each utility shall ~~develop~~ maintain a program plan to assist the utility's low-income customers with weatherization and to supplement assistance received under the federal low-income ~~heating~~ home energy assistance program for the payment of winter heating bills. ~~The program shall be implemented on or before March 1, 1989.~~

**20.15(2)** Program plan. ~~On or before February 1, 1989, each~~ Each utility shall have on file with the ~~utilities~~ board a detailed description of its ~~proposed~~ current program plan. At a minimum, the plan shall include the following information:

- a. A list of the members of the governing board, council, or committee established to determine the appropriate distribution of the funds collected. The list shall include the organization each member represents;
- b. A sample of the customer notification with a description of the method and frequency of its distribution;
- c. A sample of the authorization form provided to customers;
- d. The ~~anticipated~~ date of implementation.

Program plans for new customer contribution funds shall be rejected if not in compliance with this rule. ~~Program plans for existing customer contribution funds existing prior to July 1, 1988, and determined by the board not to be in compliance with this rule shall be allowed until July 1, 1989, to comply, during which time such programs shall continue to operate.~~

**20.15(3) to 20.15(6)** No change.

Item 31. Rescind and reserve rule **199—20.16(476)**.

Item 32. Amend rule 199—20.17(476) as follows:

**199—20.17(476)** Ratemaking treatment of emission allowances.

**20.17(1) to 20.17(12)** No change.

**20.17(13)** Prudence of allowance transactions. The prudence of allowance transactions shall be determined by the board in the ~~annual~~ periodic electric energy supply and cost review. The prudency review of allowance transactions and accompanying compliance plans shall be based on information available at the time the options or plans were developed. Costs recovered from ratepayers through the energy

adjustment that are deemed imprudent by the board shall be refunded with interest to ratepayers through the energy adjustment as specified in rule 20.9(476).

Item 33. Amend rule 199—21.1(476) as follows:

**199—21.1(476)** Application of rules.

**21.1(1) Application of rules.** The rules apply to any water utility operating within the state of Iowa under the jurisdiction of the Iowa utilities board and are established under Iowa Code chapter 476.

These rules are intended to promote service to the public, provide standards for uniform practices by utilities, and establish a basis for determining the reasonableness of the demands made by the public upon the utilities.

~~If unreasonable hardship to a utility or to a customer results from the application of any rule prescribed, application may be made to the board for the modification of the rule or for temporary exception from its requirements.~~ A utility or customer may file for a waiver of these rules in accordance with the provisions of 199—1.3(17A474,476,78GA,HF2206).

These rules shall not relieve a utility from its duties under the laws of this state.

**21.1(2) Authorization of rules.** Iowa Code chapter 476 provides that the Iowa utilities board shall establish all needful, just, and reasonable rules, not inconsistent with law, to govern the exercise of its powers and duties, the practice and procedure before it, and to govern the form, content, and filing of reports, documents, and other papers necessary to carry out the provisions of this law.

Item 34. Amend subrule 21.2(1) as follows:

**21.2(1)** ~~Notice of location~~ Location and retention of records. Unless otherwise specified in this chapter, ~~the utility shall keep the board informed in writing of the location at which the utility keeps the various classes of records, such as~~ all records required by these rules shall ~~to be kept~~ and preserved in accordance with the applicable provisions of ~~Iowa Administrative Code 199—Chapter 18,~~ “Utility Records.”

Item 35. Amend paragraph 21.3(5)"e," first unnumbered paragraph, as follows:

This rule shall not be construed as prohibiting an individual, partnership, or company from constructing its own extension. An extension constructed by a nonutility entity must meet at a minimum the applicable portions of the standards in 21.5(1) and 21.5(2) and such other reasonable standards as the utility may employ in constructing extensions, so long as the standards do not mandate a particular supplier. All connections to the utility-owned equipment or facilities shall be made by the utility at the applicant's expense. At the time of attachment to the utility-owned equipment or facilities, the applicant shall transfer ownership of the extension to the utility and the utility shall book the original cost of construction of the extension as an advance for construction, and refunds shall be made to the applicant in accordance with 21.3(12 5)"c." The utility shall be responsible for the operation and maintenance of the extension after attachment.

Item 36. Amend subrule 21.6(6) as follows:

**21.6(6)** Request tests. A utility shall test any water meter upon written request of a customer, ~~provided a request is not made~~ The utility will not be required to perform request tests more than once each 18 months. The customer shall be given the opportunity to be present at the request tests.

Item 37. Amend paragraph 21.8(3)"e" as follows:

e. An affidavit from the utility showing that the notice required by Iowa Code Supplement section 476.6(18)"c" and subrule 21.8(4) has been provided and paid for by the applicant and mailed by the utility to all affected customers.

Item 38. Adopt new rule 199—35.14(476) as follows:

**199—35.14(476)** New structure energy conservation standards. A ~~Each~~ utility providing gas or electric service shall not provide service to any structure completed after April 1, 1984, unless the owner or builder of the structure has certified to the utility that the building conforms to the energy conservation requirements adopted under 661—16.801(103A) and 661—16.802(103A). If this compliance is already being certified to a state or local agency, a copy of that certification shall be provided to the utility. If no state or local agency is monitoring compliance with these energy conservation standards, the owner or builder shall certify that the structure complies with the standards by signing a form provided by the utility. No certification will be required for structures that are not heated or cooled by electric service, or are not intended primarily for human occupancy.

Item 39. Adopt new rule 199—35.15(476) as follows:

**199—35.15(476)** Exterior flood lighting.

**35.15(1)** Newly installed lighting. All newly installed public utility-owned exterior flood lighting shall be high-pressure sodium lighting or lighting with equivalent or better energy efficiency.

**35.15(2)** In-service lighting replacement schedule. In-service lighting shall be replaced with high-pressure sodium lighting or lighting with equivalent or better energy

efficiency when worn out due to ballast or fixture failure for any other reason, including such things as vandalism or storm damage. Each utility shall file with the board as part of its annual report a report stating progress to date in converting to high-pressure sodium lighting or lighting with equivalent or higher energy efficiency.

**35.15(3)** Efficiency standards. The standard for lighting efficiency shall be expressed in "lumens per watt." A schedule of lumens per watt, correlated to bulb size, shall be used to reflect the inherent increase in efficiency as bulb sizes increase. The table of values for lighting efficacy extracted from the Standard Handbook for Electrical Engineers, Donald G. Fink and H. Wayne Beaty, Eds., Twelfth Edition, Table 26-14, shall be the standard for high-pressure sodium street and security lighting, within a 10 percent range below the stated values.

Item 40. Adopt new rule 199—36.7(476) as follows:

**199—36.7(476)** New structure energy conservation standards. A ~~Each~~ utility providing gas or electric service shall not provide such service to any structure completed after April 1, 1984, unless the owner or builder of the structure has certified to the utility that the building conforms to the energy conservation requirements adopted under 661—16.801(103A) and 661—16.802(103A). If this compliance is already being certified to a state or local agency, a copy of that certification shall be provided to the utility. If no state or local agency is monitoring compliance with these energy conservation standards, the owner or builder shall certify that the structure complies with the standards by signing a form provided by the utility. No certification will be required for structures that are not heated or cooled by electric service, or are not intended primarily for human occupancy.

Item 41. Adopt **new** rule 199—36.8(476) as follows:

**199—36.8(476)** Exterior flood lighting.

**36.8(1)** Newly installed lighting. All newly installed public utility-owned exterior flood lighting shall be high-pressure sodium lighting or lighting with equivalent or better energy efficiency.

**36.8(2)** In-service lighting replacement schedule. In-service lighting shall be replaced with high-pressure sodium lighting or lighting with equivalent or better energy efficiency when worn out due to ballast or fixture failure for any other reason, ~~including~~ such ~~things~~ as vandalism or storm damage. Each utility shall file with the board as part of its annual report, as required in chapter 199—23, a report stating progress to date in converting to high-pressure sodium lighting or lighting with equivalent or higher energy efficiency.

**36.8(3)** Efficiency standards. The standard for lighting efficiency shall be expressed in “lumens per watt.” A schedule of lumens per watt, correlated to bulb size, shall be used to reflect the inherent increase in efficiency as bulb sizes increase. The table of values for lighting efficacy extracted from the Standard Handbook for Electrical Engineers, Donald G. Fink and H. Wayne Beaty, Eds., Twelfth Edition, Table 26-14, shall be the standard for high-pressure sodium street and security lighting, within a 10 percent range below the stated values.

October 23, 2003

/s/ Diane Munns

Diane Munns  
Chairman